

**MINUTES OF THE
SELMA CITY COUNCIL
JULY 23, 2008
5:00 P.M.**

Call to Order

Invocation: Councilman Cecil Williamson

The Selma City Council met in a regular session in the Council Chambers of City Hall on Monday, July 28, 2008 at 5:00 p.m.

ROLL CALL

The following members were present during roll call: Council President George Evans and Council members Cecil Williamson, Reid Cain, Jean Martin, Geraldine Allen, Johnnie M. Leashore, Bennie R. Crenshaw and Jannie M. Venter. Others present were City Clerk Lois Williams, City Attorney Jimmy Nunn, City Treasurer Cynthia Mitchell and the Mayor's Executive Assistant Darlene Rudolph. President Evans stated that he is sure that Councilman Randolph would be arriving shortly. Councilman Randolph arrived at 5:08 p.m.

Presentation - Mr. Mark Kelley - ES&S

Mr. Mark Kelley along with Don Whitman open his presentation with a statement references to people being around during the Roberts & Son era for a period ranging for about ninety to ninety-five years. Mr. Kelley stated he has been in the business for about twenty-three years, Don about thirteen/fourteen years. Mr. Kelley stated that they brought electronic voting to Alabama in 1983 with a predecessor of this machine the first county equipment in 1983 that had been changes, added, upgraded, mortified, we brought in different equipment. This particular machine was used in Alabama in 1992, Dallas County was one of the first counties to use this equipment out of three counties as I recall. We now have these in fifty-one counties in Alabama; they have been very good, very reliable, and very accurate, very user friendly to the voter at the polls and the poll workers. "I teach the poll workers classes that Dallas County has for their election and also for the City of Selma, I taught them for the last couple of cycles, so some of you I recognize and I guess I will see you in a few weeks for the training class. We had several discussions with the city since the February election; we know there were some problems with the machines being delivered in the rain and dropped and pressure of that nature, and we offered to make some suggestions to improve that system of delivering and managing things, one of things was getting the machines out a little bit earlier than Tuesday morning before the Polls open at 7:00am. City Clerk Lois Williams did not like the ideas due to reservations based on security, those concerns were based on within the community, within the city, within the city government about the machines being out overnight." Questions such as what might happen to the machines, is there a possibility that someone could tamper with the machines, hack into or manipulate what goes on inside the front of these machines? So those discussion lead to other discussion and I was asked to come down and address the council. So with that said, this particular machine, we gather the information from an account from Don's team, and our office in Birmingham prints the ballots in Birmingham, we do a full service job in our office in Birmingham. They program every machine to take the ballot for that particular ward/district what ever it might be. So Ward 1 gets Ward 1 ballots, Ward 2 gets Ward 2 ballots and so forth. They program those, they test everything. Now everything that's make the machine assigned to each ward is inside the memory pack, ("the data pack" "the black box" "the brain ") it is a read only data pack that just contains only the information for their ward. So when this machine goes out to Ward1 the data pack will say I am Ward 1, machine 1, or I am Ward 1, machine 2 whatever the location might be. So when my poll workers open this machine up and they start off on election morning it cranks out a zero tape, having no bugs on it, says I'm Ward1 location 1, whatever the location might be. They program and test prior to one of my personnel coming down. When he gets down he takes every machine, puts it in the back in the compartment, when it goes in he puts a seal on it's a security type seal with a number that is recorded, the City Clerk has a list of the numbers. In case of primary elections for counties, we may have the probate judge with a list of those numbers, the two-party chairs in some places get a list of the numbers anyone who the election administrator who would feel comfortable having a list of what seal numbers are on what machines and at what places. Thus the compartment is than locked and the machine is set and read to go. There is no capability within this machine to communicate with the outside world. It doesn't have a phone line jack, it doesn't have wireless internet, and it doesn't even have a simple little modem that we all might have used a few years ago on the early PC to dial into. It had one cord, one cable and that's it, good old 110. So it is no way that Don can communicate with this machine from across the room or across the street. So what inside the machine is inside the machine. The public test is set up and advertise and any an anyone the press , the candidates, citizen, pool workers, and council members it is certainly open and invited to come those public events. We hand out ballots and marking pens letting out mark your ballots at the machine of your choice. We will test it and get the vote total that you marked on your ballot you will not leave until you are satisfied the machine has counted what it was suppose to. We go through this procedure about a week prior to the election then they are

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sealed up and ready to go. Now there sitting in a ware house, an office or, a basement it varies from city to city, from county to county where they get stored. At the proper time usually Monday before the smaller election, sometimes some people start a week delivering their voting machines, ballot boxes, tables, chairs, whatever supplies are required to open the voting place at 7:00am that Tuesday. The machines get carried out to the polling place, they get checked to make sure everything is there they get assembled and you leave them there. Now there are places where the traffic flows you may want to roll the machine behind the counter someplace it is secure to deter from things being placed on it such as food and drinks. When the polling officials arrive who are told to be there at least by 6:30 they roll there machine out they take there key and plug it up and it prints out that zero print out. It should come up first of all and say I am ward 1, fire station #1, City of Selma Municipal Election August 26, 2008, for Mayor list of the candidates everyone should have zero's. Ward1 council position candidates everyone should have zero's a statement prints on that tape "We certified the above counters were set to zero before the polls open". I tell them in the Polling class that if that machine doesn't say ward1, fire station and were are suppose to be ward1, fire station someone is in the wrong place, either you or the machine. Like wise the supplies should match the location. But, then when the print out comes out make sure it is all zero's if it's not zero's call us and let us know, we always have a technician on duty city or county election. The technician will come down to the polling place and service the machine taking care of it and your are up and running. Some where in Alabama every so often a city or county will leaves their test votes on the machine they will call up and say my machine started out with thirteen votes on it. Thirteen is the number we test with , however, should a poll worker notice that , they should give us a call letting us know they have problem, someone will come out and take a look at it. Again there is no way again that anyone could have had any input into the machine once they practice and solved the machine it finished over and done with, the elections are in there the totals are at zero its ready to go. There are audit capabilities in place; every poling place gets a set number of ballots, provisional ballots. Ward 1 states they want one thousand ballots, Ward 2 wants five hundred ballots, and they will get a document in their supplies acknowledging those ballots and must sign for them. Every ballot have a stub with a sequence number, the ballots do not, all the ballots are identical other than the ward, that stub has a number, so they can look on there and see they ballots numbers from 10,001 to 15,000, whatever it might be, and they have to account for those ballots at the end of the night. So if they only have 30 hundred ballots and they have 317 votes that tell everyone that something is wrong, so, in addition to the machine security safe guard there is procedure safe guard as well. Your sigh-in book based on of people signed in at the polling place and the people who counted in the counter seal into the machine it should be equal. The safeguard is in place without going into the depths of the technical part of this I can't doing anything, that why Don is here to answer any computer, data communication type questions.

Presentation, followed by questions and answering period:

Following the questions and answer period Mayor Perkins ask did we have to pay for these machines that we would be using at for the up coming election, Mr. Kelley stated that there would be a contract price Mayor Perkins then stated that it would make no sense to pay the county for the use of their machines if Mr. Kelley was going charge us for the use of their machines in accordance to the contract The other thing was when the machines were damage for the city, Did the county own those machines? Answer no. Did the city have to pay the county or you for those machines? Answer no. The machines were paid by the insurance. Mayor Perkins also recommended using a reader device which would allow you to determine the number of votes and determine if your count is correct he stated it improved the perception and the integrity of the processing the tabulation during the primary election in additional cost would be around \$650.00-\$750.00 which would be included in the package. After a lot of talk in reference on how someone might be able to tamper with the machines Mayor Perkins, ask the question "Are we still on the machine or are we really into the things that are done during the election school? The reason I asked is because, a special call meeting was made for a perceptive purpose and you really cannot go beyond that purpose, so if this is something for the election school we may be going beyond. President Evans stated the purpose of this meeting was for the council and citizens to ask questions. Mayor Perkins stated that on the 18th of this month he had a conversation over the phone with Mr. Kelley because of some things that had been represented last council meeting people were making statements like they knew for a fact that the machines could be tampered with and there were some serious questions put forth about the integrity of the system itself and these comments were coming from members of the council, so I thought it would be best to allow the audit the preparatory of this technology to come forward and to share the truth about the technology and the integrity of the process, so I would like to thank Mr. Kelley and the team for coming down from ES & S to share this information. Mayor Perkins stated, for the record, that whatever would make the people happy lets go ahead and do that, he also it be relates to the integrity of the process and that if you have any more doubt then we should deal with it now so that when Mr. Kelley and his team leave we want be slandering there product, because that's basically what is done when you make statements that you know for a fact that these machines can be electronically changed through some remote sources and this kind of thing. He stated that he knew that it would really challenge them if they had to try and defend that statement. Mayor Perkins asked that the procedural items that have been identified by President Evans be favorable considered by the council in that you would move forward and approve those but also make certain that

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you provide sufficient resources for adequate training for the new technology that would be deployed ensuring training on how to use that technology. His finally point related to delivery time for the machines, he remind people that the City of Selma use to deliver machines the day before an election. However, due to some poll workers in the 1996 or 2000 election open up the machine and removed the supplies and began the process of setting up for the next. The machines had to be replaces and Memorial Stadium closed down because it was not the time to open up. Mayor Perkins continues to state that if the council decides to send those voting machines out to sixteen different locations the day prior to election that they have sufficient security so that no one will open those machines prior to the time of the election poll that morning. Mayor Perkins thanked the council for being responsive regarding a letter he sent to them on the 18th requesting a special call meeting take place. Mayor Perkins would like it to go on record that he can't quite understand why certain members of the council are determine to move the machines to court house, he states that its almost at the level of obsession and is he is almost at the point of becoming cynical at this line of questioning, he states its almost like we are trying to find a way to break the security of this system and since it has not happened we just need to get on over to the court house to look at it one more time. Mayor Perkins stated that if he was a public official at the county court house I would become offended because the implication is that the county is going to support certain people in this municipal election that's the implication, wondering if you are the custodian of municipal property "Why is it you want to take it out of your custodial care?" Because, it is the council responsibility to manage the property. Mayor Perkins stated that he was a little confused about what was actual going on here and he just wanted to remind all of us that many of us are candidates and to set behind the disguise of the governing body tinkering with this election process when you are actually functioning as a candidate is suspicious and unacceptable. He continue to state that he was a candidate as well as many of them being candidates and he is asking them to leave the process alone and let the professional manage the process. President Evans responded by stating that he was a candidate and that he was concerned about the process, and will not back off no matter what anyone says. President Evans stated he did not care where the machines went once the pack along with the supplies had been place inside the machine as long as everybody has some assurance that we are working together trying to do the right thing. Councilman Cain responded to President Evans' statement by stating that some council members are quite concerned as far as why certain interested parties who are running for office are wanting to bring some change to the process of---from the county to the city and that is the main concern. Evans response "he did not want them at the count court house personally" he wants to find a neutral place, stating that it is in the best interest implying that no ones knows what happens in the middle following up by stating that he is not accusing anybody of anything, while stating the fact that everyone would be able to come over to the neutral place. He stresses we have time on our side before the 25th. Evans states "we can work this out where the machines will be housed for one night. Mayor Perkins response by informing the council that a mutual location would be a location where all have access and we can provide security, Perkins stated you have the Selma Police Office and recommended that they place the machine there providing security through the Selma Police Department, placing a police office either in t building or at the building and let them watch it if that's what your are concerned about. Perkins further states that you have a security system on this building and if you come in this building after hours assuming the security system was activated the system, if you enter the building you have to enter your security pass code to get in the building so you are going to know who came into the building. Perkins states that this has gotten out of hand, and he wishes that everyone would just calm down and let the professional do the job. Perkins states he still have trust in Lois' integrity, still believing that the Selma Police Department can provide security for this building if that is what we need. He still believe that if you want a polling official to sit and the front and back door the night of the election while the machine are here, do that, but less stop all of this mess and continue on with the business. A motion was made by Councilman Williamson and seconded by Councilman Cain to have the testing done on the voting machines Monday prior to the election, the delivery of the machines to the Polls on Tuesday Morning, and have the audit log and the electronic tabulator the night of the election. A roll call was taken and the motion passed with a unanimous vote of the Council.

ADJOURNMENT


There being no further business to come before the Council, a motion was made by Councilwoman Crenshaw and seconded by Councilwoman Martin, to adjourn, and by unanimous consent of the Council, this meeting adjourned at 6:40 p.m.



GEORGE P. EVANS, *Council President*

ATTEST:


LOIS WILLIAMS, *City Clerk*

APPROVED:


JAMES PERKINS, JR., *Mayor*